

**TENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 15, 2003**

House of Representatives

The House convened at 1 p.m., Mr. Denney in the Chair.

Roll call showed 65 members present.

Absent and excused -- Bieter, Crow, Martinez, Nielsen,
Mr. Speaker. Total -- 5.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Henry Johnston, Page.

Approval of Journal

January 15, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Ninth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

January 15, 2003

The Honorable Bruce Newcomb
Speaker of the House
Idaho Legislature

Dear Mr. Speaker:

As required in Section, 57-1601, *Idaho Code*, I am transmitting the attached report of the Governor's Emergency Fund for the period July 1, 2001 through June 30, 2002.

Beginning Cash	\$192,344.48
Expended for Capitol Mall Security	<u>\$108,600.00</u>

Ending Cash Balance	\$ 83,744.48
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Very truly yours,
/s/ Dirk Kempthorne
Governor

January 14, 2003

Mr. Speaker:

I return herewith enrolled **HCR 3** which has been signed by the President.

WOOD, Secretary

Enrolled **HCR 3** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

January 15, 2003

Mr. Speaker:

I transmit herewith **SCR 101** which has passed the Senate.

WOOD, Secretary

SCR 101 was filed for first reading.

Report of Standing Committees

January 15, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 71**, **H 72**, and **H 73**.

FIELD(18), Chairman

H 71 and **H 72** were referred to the Judiciary, Rules, and Administration Committee.

H 73 was referred to the Revenue and Taxation Committee.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 101, by State Affairs, was introduced, read the first time by title, and referred to the State Affairs Committee.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 74
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO THE SALES AND USE TAXES; AMENDING SECTION 63-3627, IDAHO CODE, TO CLARIFY THAT A RESPONSIBLE PERSON CAN BE LIABLE FOR TAXES OF ANY TAXPAYER WHOSE TAX COMPLIANCE IS THAT PERSON'S DUTY AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 75
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-301A, IDAHO CODE, TO PROVIDE THAT ON OR BEFORE THE FOURTH MONDAY IN JULY, COUNTY AUDITORS MUST CERTIFY THE NEW CONSTRUCTION ROLL TO THE STATE TAX COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-602A, IDAHO CODE, TO CHANGE THE REFERENCE FROM THE FARMERS HOME ADMINISTRATION TO THE CONSOLIDATED FARM SERVICE AGENCY; AMENDING SECTION 63-602C, IDAHO CODE, TO DELETE OBSOLETE LANGUAGE RELATING TO TAXATION OF

MERCHANDISE HELD FOR SALE; AND AMENDING SECTION 63-803, IDAHO CODE, TO PERMIT ADDITIONAL TIME FOR SCHOOL DISTRICTS TO CERTIFY A BUDGET FOR A SCHOOL EMERGENCY FUND LEVY.

HOUSE BILL NO. 76
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO COLLECTION OF UNPAID TAXES BY DISTRAINT ON PERSONAL PROPERTY; AMENDING SECTION 63-3057, IDAHO CODE, TO PERMIT THE STATE TAX COMMISSION TO PETITION THE DISTRICT COURT FOR A WRIT OF POSSESSION IN AID OF COLLECTION OF UNPAID TAXES AND TO TAKE CUSTODY AND RESPONSIBILITY FOR THE PROPERTY FROM THE SHERIFF WHO HAS ACTED UNDER THE WRIT.

HOUSE BILL NO. 77
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING SECTION 63-3620, IDAHO CODE, TO PROVIDE ADMINISTRATIVE REVIEW OF DENIAL OF AN APPLICATION FOR A SELLER'S PERMIT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-3622R, IDAHO CODE, TO PROVIDE THAT THE ANNUAL USE OF CERTAIN INTERSTATE VEHICLES SHALL BE MEASURED BASED ON THE VEHICLE'S ANNUAL REGISTRATION PERIOD UNDER THE INTERNATIONAL PLAN RATHER THAN ON A CALENDAR YEAR AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 63-3622GG, IDAHO CODE, TO DELETE THE REQUIREMENT THAT CERTAIN EXEMPT AIRCRAFT MUST BE REGISTERED UNDER THE LAW OF ANOTHER STATE OR NATION.

HOUSE BILL NO. 78
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO FIREWORKS; AMENDING SECTION 39-2609, IDAHO CODE, TO PROVIDE THAT IT IS UNLAWFUL TO SELL OR OTHERWISE EXCHANGE FOR CONSIDERATION FIREWORKS TO PERSONS UNDER SIXTEEN YEARS OF AGE.

HOUSE BILL NO. 79
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO CORRECTIONS TO THE IDAHO INCOME TAX ACT; AMENDING SECTION 63-3022, IDAHO CODE, TO REVISE A CROSS REFERENCE; AMENDING SECTION 63-3022P, IDAHO CODE, TO DELETE A REFERENCE TO CREDIT INSURANCE; AMENDING SECTION 63-3024, IDAHO CODE, TO PROVIDE THAT THE PROVISIONS OF THE INTERNAL REVENUE CODE RELATING TO ELECTING SMALL BUSINESS TRUSTS SHALL APPLY FOR IDAHO INCOME TAX PURPOSES AND TO PROVIDE THAT THE MAXIMUM IDAHO RATE FOR INDIVIDUALS SHALL APPLY TO THOSE TRUSTS;

AMENDING SECTION 63-3029E, IDAHO CODE, TO REVISE THE DEFINITION OF "NEW EMPLOYEE"; AMENDING SECTION 63-3029F, IDAHO CODE, TO PROVIDE THAT THE CREDIT SHALL NOT EXCEED FIFTY PERCENT OF THE TAX LIABILITY OF THE TAXPAYER AND TO PROVIDE THAT THE TAX LIABILITY OF THE TAXPAYER SHALL BE THE TAX AFTER DEDUCTING THE CREDIT FOR INCOME TAXES PAID IN OTHER STATES; AMENDING SECTION 63-3042, IDAHO CODE, TO PROVIDE FOR A COPY OF A SUMMONS; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

HOUSE BILL NO. 80
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO THE UNCLAIMED PROPERTY LAW; AMENDING SECTION 14-524, IDAHO CODE, TO PERMIT THE TIME PERIOD WITHIN WHICH THE ADMINISTRATOR OF UNCLAIMED PROPERTY MUST GRANT OR DENY A CLAIM TO BE EXTENDED TO A DATE CERTAIN BY A WRITTEN AGREEMENT OF THE CLAIMANT AND THE ADMINISTRATOR; AND AMENDING SECTION 14-526, IDAHO CODE, TO PROVIDE FOR ADMINISTRATIVE REVIEW OF A DENIED CLAIM UNDER SECTION 63-3045, IDAHO CODE, PRIOR TO A JUDICIAL APPEAL.

HOUSE BILL NO. 81
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO INCOME TAX CREDITS; AMENDING SECTION 63-3029I, IDAHO CODE, TO CLARIFY THAT THE TAX CREDIT FOR INVESTMENT IN BROADBAND EQUIPMENT IS TRANSFERABLE ONLY BY THE TAXPAYER WHO EARNED THE CREDIT; AMENDING SECTION 63-3029J, IDAHO CODE, TO CLARIFY THAT THE INCENTIVE INVESTMENT TAX CREDIT IS TRANSFERABLE ONLY BY THE TAXPAYER WHO EARNED THE CREDIT; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

H 74, H 75, H 76, H 77, H 78, H 79, H 80, and H 81 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 70, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

HCR 4 was read the third time at length and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Clark to open debate.

The question being, "Shall **HCR 4** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schumacher), Shepherd, Shirley, Skippen, Smith(24), Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood. Total -- 64.

NAYS -- None.

Absent and excused -- Bieter, Crow, Deal, Martinez, Nielsen, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Acting Speaker declared **HCR 4** adopted and ordered the resolution transmitted to the Senate.

HCR 5 was read the third time at length and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Clark to open debate.

The question being, "Shall **HCR 5** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schumacher), Shepherd, Shirley, Skippen, Smith(24), Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood. Total -- 64.

NAYS -- None.

Absent and excused -- Bieter, Crow, Deal, Martinez, Nielsen, Mr. Speaker. Total -- 6.

Total -- 70.

Whereupon the Acting Speaker declared **HCR 5** adopted and ordered the resolution transmitted to the Senate.

HCR 6 was read the third time at length and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Ridinger to open debate.

The question being, "Shall **HCR 6** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schumacher), Shepherd, Shirley, Skippen, Smith(24), Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood. Total -- 65.

NAYS -- None.

Absent and excused -- Bieter, Crow, Martinez, Nielsen, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Acting Speaker declared **HCR 6** adopted and ordered the resolution transmitted to the Senate.

HCR 7 was read the third time at length and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Shirley to open debate.

The question being, "Shall **HCR 7** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schumacher), Shepherd, Shirley, Skippen, Smith(24), Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood. Total -- 65.

NAYS -- None.

Absent and excused -- Bieter, Crow, Martinez, Nielsen, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Acting Speaker declared **HCR 7** adopted and ordered the resolution transmitted to the Senate.

H 1 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Acting Speaker recognized Mr. Lake to open debate.

The question being, "Shall **H 1** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon,

Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schumacher), Shepherd, Shirley, Skippen, Smith(24), Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood. Total -- 65.

NAYS -- None.

Absent and excused -- Bieter, Crow, Martinez, Nielsen, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Acting Speaker declared **H 1** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 1 p.m., Thursday, January 16, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Acting Speaker declared the House adjourned at 1:36 p.m.

LAWRENCE DENNEY, Acting Speaker

ATTEST:

PAMM JUKER, Chief Clerk